

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1097

Citations Affected: IC 10-16-7.5; IC 20-12-74-8.

Synopsis: National Guard tuition supplement grant and reemployment rights. Requires the employer of an individual called to active duty in the Indiana National Guard, when the individual returns from the active duty, to reemploy the individual in the same position or a similar position for a period of time equal to the time the individual served on active duty. Extends the eligibility period for the National Guard tuition supplement program for a member of the National Guard called to active duty outside Indiana after September 11, 2001. Provides that the extension is equal to the period of active duty. **(This conference committee report: (1) removes provisions concerning local finance matters; (2) inserts provisions from HB 1023 that: (A) require an employer to reemploy a member of the Indiana National Guard who returns from active duty for a period equal to the member's active duty service; and (B) extend the eligibility period for the National Guard tuition supplement program for a National Guard member who is called to active duty outside of Indiana after September 11, 2001; and (3) corrects technical errors in the bill.)**

Effective: Upon passage; January 1, 2002 (retroactive).

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1097 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 military affairs.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 10-16-7.5 IS ADDED TO THE INDIANA CODE
- 6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 7 JANUARY 1, 2002 (RETROACTIVE)]:
- 8 **Chapter 7.5. National Guard Employment Rights**
- 9 **Sec. 1. This chapter applies to a person called to active duty after**
- 10 **September 11, 2001.**
- 11 **Sec. 2. As used in this chapter, "active duty" means full-time**
- 12 **service in the national guard for a period that exceeds thirty (30)**
- 13 **consecutive days in a calendar year.**
- 14 **Sec. 3. As used in this chapter, "employee" means an individual**
- 15 **employed or permitted to work or perform any service for**
- 16 **remuneration under a contract for hire, written or oral, by an**
- 17 **employer in any occupation.**
- 18 **Sec. 4. As used in this chapter, "employer" means a person who**
- 19 **employs at least twenty-five (25) employees in Indiana, including**
- 20 **the state and political subdivisions of the state. The term does not**
- 21 **include the United States or a corporation wholly owned by the**
- 22 **United States.**

1 **Sec. 5. As used in this chapter, "national guard" refers only to:**

- 2 **(1) the Indiana army national guard; and**
 3 **(2) the Indiana air national guard.**

4 **Sec. 6. As used in this chapter, "person" means an individual, a**
 5 **partnership, a corporation, a limited liability company, an**
 6 **unincorporated association, or a governmental entity.**

7 **Sec. 7. As used in this chapter, "political subdivision" has the**
 8 **meaning set forth in IC 6-3.5-2-1.**

9 **Sec. 8. (a) When an employee who was called to active duty is**
 10 **discharged or released after the active duty, the employer of the**
 11 **employee shall reemploy the employee for:**

- 12 **(1) a period of employment required by the federal Uniform**
 13 **Services Employment and Reemployment Rights Act, 38 U.S.C.**
 14 **4301 through 38 U.S.C. 4330; and**
 15 **(2) an additional period that equals the period the employee**
 16 **was on active duty status to the extent the period of the**
 17 **employee's active duty status exceeds the period determined**
 18 **under subdivision (1).**

19 **(b) Reemployment under subsection (a) shall be covered by the**
 20 **provisions of the federal Uniform Services Employment and**
 21 **Reemployment Rights Act, 38 U.S.C. 4301 through 38 U.S.C. 4330.**

22 **(c) The period of reemployment under subsection (a) begins on**
 23 **the first day the employee reports to work for the employer after**
 24 **the employee's discharge or release from active duty.**

25 **Sec. 9. An employer who reemploys an employee under section**
 26 **8 of this chapter is entitled to a deduction from the employer's**
 27 **adjusted gross income under IC 6-3-2-20.**

28 **Sec. 10. This chapter may not be construed as a restriction or**
 29 **limitation on any of the rights, benefits, and protections granted to**
 30 **a member of the national guard under federal law.**

31 **SECTION 2. IC 20-12-74-8 IS ADDED TO THE INDIANA CODE**
 32 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 33 **UPON PASSAGE]: Sec. 8. (a) This section applies to a person called**
 34 **to active duty after September 11, 2001.**

35 **(b) As used in this section, "active duty" means full-time service**
 36 **in the national guard (as defined in IC 10-16-1-13) that exceeds**
 37 **thirty (30) consecutive days in a calendar year.**

38 **(c) A person who:**

- 39 **(1) is called to active duty; and**
 40 **(2) meets the requirements of subsection (d);**

41 **is entitled to an extension of time under subsection (e) to renew a**
 42 **tuition scholarship awarded under section 7(a) of this chapter.**

43 **(d) A person must meet the following requirements to receive an**
 44 **extension of time under subsection (c):**

- 45 **(1) On the date the person is called to active duty, the person**
 46 **must be attending a state educational institution using a tuition**
 47 **scholarship awarded under section 7(a) of this chapter.**
 48 **(2) The person must provide proof of active duty by providing**
 49 **a copy of the person's:**
 50 **(A) discharge; or**
 51 **(B) government movement orders;**

1 to the commission at the time the person applies for renewal of
 2 the tuition scholarship awarded under section 7(a) of this
 3 chapter.

4 (3) Not later than one hundred eighty (180) days after the
 5 person's discharge or release from active duty, the person must
 6 resume the course of study in which the person was enrolled
 7 when the person was called to active duty.

8 (e) The extension of time to which a person is entitled under
 9 subsection (c) is equal in length to the period during which the
 10 person was on active duty status. However, the number of
 11 semesters for which a person may receive a tuition scholarship
 12 awarded under section 7(a) of this chapter, including all renewals
 13 under this section, may not exceed the number specified in section
 14 7(b) of this chapter.

15 (f) A person who, at the time the person was called to active duty:

16 (1) met the eligibility criteria established by:

17 (A) this chapter; and

18 (B) the commission; and

19 (2) had received a tuition scholarship under section 7(a) of this
 20 chapter;

21 may use the extension of time under subsection (c) to renew the
 22 tuition scholarship without meeting the requirements set forth in
 23 sections 2(1) and 3(4) of this chapter.

24 (g) This section may not be construed as a restriction or
 25 limitation on any of the rights, benefits, and protections granted to
 26 a member of the national guard (as defined in IC 10-16-1-13) under
 27 federal law.

28 SECTION 3. An emergency is declared for this act.

(Reference is to EHB 1097 as reprinted April 9, 2005.)

Conference Committee Report
on
Engrossed House Bill 1097

Signed by:

Representative Woodruff
Chairperson

Senator Ford

Representative Mahern

Senator Mrvan

House Conferees

Senate Conferees